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**PATENT**

**ATTORNEY DOCKET NO.: BAL-99A (16843A)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re. Application: Marshall, et al.	)	Art Unit: 1651
	)	
Serial No: 09/977,555	)	Examiner: Gitomer, Ralph J.
	)	
Filed: October 15, 2001	)	Acct. No: 04-1403
	)	
Title: Method For Detection Of Urease And Method For Using Same	)	Customer No: 22827

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

**LETTER**

Dear Sirs:

A Notice of Allowance issued on October 7, 2003 for the above captioned application. Instead of paying the issue fee, however, Applicants filed a Request for Continued Examination in conjunction with the submission of an Information Disclosure Statement. The Information Disclosure Statement filed with the Request for Continued Examination listed references previously submitted in Information Disclosure Statements that had not yet been considered by the Examiner. Those Information Disclosure Statements include the statement filed on October 7, 2003 (and later submitted on November 5, 2003) and the statement submitted on November 25, 2003.


A third Information Disclosure Statement was submitted on April 28, 2003 and was also apparently not considered. Consequently, Applicants are submitting herewith a new Information Disclosure Statement containing the same references disclosed in the statement submitted on April 28, 2003.

Applicants wish to thank Examiner Gitomer for his guidance recently with respect to these issues. It is believed that the claims as currently pending patentably define over the references that Applicants have submitted.

In summary, it is believed that the present application is in complete condition for allowance and a further Notice of Allowance is requested.

Respectfully submitted,

DORITY & MANNING, P.A.

  
Timothy A. Cassidy

Registration No. 38,024

DORITY & MANNING, P.A.

P. O. Box 1449

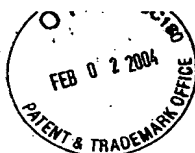
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1/29/04



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DM-10/03

INFORMATION DISCLOSURE STATEMENT

In re Application of: Barry j. Marshall, et al.

Attorney Docket No: BAL-99A 16843A)

Serial No: 09/977,555

Date: January 29, 2004

Filed: October 15, 2001

Art Unit: 3736

Confirmation No: 1969

Our Customer ID: 22827

Title: Method for the Detection of Urease and Method for Using  
Same

Our Account No: 04-1403

Commissioner for Patents  
U.S. Patent and Trademark Office  
Post Office Box 1450  
Alexandria, VA 22313-1450

Sir:

The following is an Information Disclosure Statement for the captioned patent application, pursuant to 37 CFR Sections 1.56, 1.97, and 1.98.

1. ☒ Attached hereto is:

a. ☒ A list of materials for consideration per Rule 98(a)(1): 1 page(s)

b. ☒ A legible copy of each patent, publication, or other item listed per Rule 98(1)(2), unless not required per Rule 98 and/or as indicated on the attached list(s):  
3 item(s)

c. ☐ For each non-English language item listed, pursuant to Rule 98(a)(3), a concise explanation of the relevance thereof as it is presently understood by the individual designated in Rule 56(c) most knowledgeable about the content of such items: \_\_\_\_\_

☐ Such explanation is provided in the Search Report from a corresponding application enclosed herewith along with any enclosed translation into English.

2. ☒ This Information Disclosure Statement is being filed [CHECK ONE]:

a. ☒ WITHIN THREE MONTHS of the application filing date, national stage date of entry, or along with or after a request for continued examination, OR BEFORE the mailing date of a first Office Action on the merits, which ever event occurs last, WHEREFORE per Rule 97(b) NO filing fee or Rule 97(e) certificate is required.

b. ☐ AFTER the time periods of section 2.a above, but BEFORE a Final Action, Notice of Allowance OR an action that otherwise closes prosecution, WHEREFORE PER Rule 97(c) submitted herewith is [CHECK ONE]:

i. ☐ Certification per Rule 97(e); OR

ii. ☐ Filing Fee per Rule 17(p) .....\$180.00

c. ☐ AFTER a Final Action OR Notice of Allowance, but BEFORE payment of the issue fee, WHEREFORE per Rule 97(d) submitted herewith is:

i. ☐ Certification per Rule 97(e); AND

ii. ☐ Filing fee per Rule 17(p) .....\$180.00

3. ☐ Rule 97(e) Certification; per Rule 97(e), the undersigned certifying party make the following certification statement [CHECK ONE]:

a. ☐ That each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; OR

b. ☐ That no item of information contained in this Information Disclosure Statement was cited in a foreign patent office in a counterpart foreign application and to the knowledge of the undersigned after making a reasonable inquiry, was known to any individual designated in Rule 56(c) more than three months prior to the filing of this statement.

CERTIFYING PARTY (if different from bottom signature; omission here indicates that certification is being made by signer per signature below).

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_

- 4.[x] DEPOSIT ACCOUNT AUTHORIZATION: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

- 5.[x] CERTIFICATE OF MAILING: This Information Disclosure Statement is being filed pursuant to [CHECK AND COMPLETE ONE]:

a.[ X ] First Class Mail Certificate of Mailing under Rule 8:

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b.[ ] "Express Mail" Certificate under Rule 10:

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DORITY & MANNING, P.A.

By: Timothy A. Cassidy

Reg. No: 38,024

Signature: [Signature]

Date: January 29, 2004



(Rev. 5/92) Information Disclosure Statement List By Applicant(s) Under 37 CFR Section 1.98(a) (1) (Use several sheets if necessary)	Attorney Docket Number: BAL-99A (16843A)	Serial Number: 09/977,555
	Applicant: Barry J. Marshall, et al.	
	Filing Date: October 15, 2001 Confirmation No: 1969	Group Art Unit: 3736

## NOTE:

If no indication is made in the column marked "COPY NOTE," the required legible copy of the corresponding item is submitted herewith; otherwise, a copy is not required and/or not submitted, for the following reason(s) [corresponding reason number is listed in "COPY NOTE" column]"

- (1) This item is cumulative, per Rule 98(c)
- (2) A copy of this item was previously cited by or submitted to the U.S. Patent and Trademark Office in:  
USSN \_\_\_\_\_, filed \_\_\_\_\_, or  
USSN \_\_\_\_\_, filed \_\_\_\_\_;  
Relied on under 35 U.S.C. Section 120, per Rule 98(d)
- (3) Both reasons (1) and (2) apply
- (4) No legible complete copy is possessed, in custody of controlled, or readily available
- (5) Per the U.S. Patent and Trademark Office's waiver of Rule 98(a)(2)(i), the item is a U.S. patent or patent application publication, and the present application was filed after June 30, 2003.

U.S. PATENT DOCUMENTS										
EXAMINER INITIALS	PATENTEE NAME	PATENT NUMBER							ISSUE DATE	COPY NOTE
	Smith, et al.	4	8	2	9	0	0	6	05/09/1989	
	Richardson	5	8	4	6	4	8	8	12/08/1998	

FOREIGN PATENT DOCUMENTS															
EXAMINER INITIALS		COUNTRY	DOCUMENT NUMBER								PUBLICATION DATE	TRANSLATION			COPY NOTE
												YES	NO	N/A	
		WO	0	1	6	4	5	4	3	A1	09/07/2001			X	

\*"NO" means that no copy of an English language translation is within the possession, custody, or control of, or is readily available to any individual designated in Rule 56(c).

EXAMINER INITIALS	OTHER DOCUMENTS	COPY NOTE
	Specify author (if any), Title, Pertinent Pages, Date & Place of Publication	
EXAMINER	DATE CONSIDERED	
Examiner:	initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.	